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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,819	06/01/2000	John Gerald Van Heteren	07057-043001	4696

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EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 04/30/2004

25

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,819

Applicant(s)

HETEREN, JOHN GERALD VAN

Examiner

Timothy Edwards, Jr.

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,3-37 and 39-63 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,3-17,28-37,38-63 is/are allowed.
- 6) ☐ Claim(s) 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see REMARKS, filed February 11, 2004, with respect to claims 1,3-17,28-37,39-63 have been fully considered and are persuasive. The rejection in office action of October 28, 2003 has been withdrawn.

Applicant's arguments with respect to claims 18-27 have been considered but are moot in view of the new ground(s) of rejection. In the rejection of claim 1, Examiner cited Johnson et al '094 as a secondary reference to show the use of a local gateway having a memory configured to store a plurality of measurement data is well known in the art. Examiner is not introducing a new reference. Therefore, this action is made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petite et al [US 6,437,692], and further in view of Johnson et al [US 5,553,094].

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Considering claim 18, Petite discloses a) receiving at an intermediate processing device a series of measurements from a plurality of devices (see col 6, lines 20-23); b) displaying the measurement on a web page (see col 7, lines 41-47 and col 12, lines 38-40); c) filtering the measurement data and transmitting filtered data from the intermediate processing device through an internet connection to a processing center (see col 7, lines 6-16 and col 12, lines 34-38); 1) except storing the filter data in the intermediate device is not specifically recited by Petite. However, Petite discloses in col 11, lines 4-32 the local gateway having a memory. Johnson teaches (see col 4, lines 57-65 and col 14, line 61 to col 15, line 2) the use of a telemetry device having a memory configured to store and filter measurement data corresponding to a plurality meter and transmits the filtered data from the intermediate processing device. However, one of ordinary skill in the art readily recognize the use of a telemetry device having a memory configured to store a plurality of measurements is well known in the art and desirable because this prevents data from being loss and allows the data to be keep for an indefinite period of time. Therefore, it would have been obvious to one of ordinary skill in the art to modify the memory of the intermediate processing device of the Petite system to include a memory which stores a plurality of measurement data as taught by Johnson because both systems are concern with the receiving and filtering of measurement data from a plurality of sensors.

Considering claim 19, the limitations of this claim are interpreted and rejected as stated in claim 18; except Petite does not specifically recite time stamping filtered data. Petite

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disclose the receiving of measurement data from a plurality of utility device. Johnson teaches (see col 14, lines 48-57) the time stamping of filtered data. One of ordinary skill in the art readily recognizes time stamping of data is well known in the utility meter environment as taught by Johnson. Therefore, it would have been obvious to one of ordinary skill in the art to modify the intermediate processing device of the Petite system to include time stamping means to time stamp filtered data as taught by Johnson because both systems are concern with the receiving and filtering of measurement data from a plurality of sensors.

Claims 20-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Petite and Johnson as applied to claim 19 above, and further in view of Jenny et al [US 5,897,607].

Considering claims 20-22, Petite does not specifically recite triggering e-mail to forward utility data. Jenny teaches in col 4, lines 54-66 using e-mail messaging technique. Therefore, it would have been obvious to one of ordinary skill in the art to use e-mail messaging technique to forward utility data in the Petite system as taught by Jenny because both references are concern with the transmission of utility data via the internet.

Considering claims 23,24 Petite discloses a) dialing the internet server via a modem (see col 11, lines 61-64); b) sending data via internet e-mail message (see claim 20-22);

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c) retrieving incoming command message from the data processing center (see col 14, line 66 to col 15, line 3 and fig 10); Petite does not specifically recite acting on a command message or sending a response to the command message. However, one of ordinary skill in the art would recognize these limitations are accomplished in the utility meter environment and are well known task. Therefore, it would have been obvious to one of ordinary skill in the art the task are within the scope of the Petite system because Petite discloses the sending of command messages to a utility meter and an acknowledge message is well known in the art.

Considering claim 25, Petite discloses the limitation of this claim in fig 5.

Considering claim 26, Petite does not specifically recite the Internet connection is a DHCP connection. However, applicant admits, page 13, 1st paragraph, this type of connection is well known in the art. Therefore, it would have been obvious to use any well-known Internet connection in the Petite system because Petite discloses interfacing with the Internet.

Considering claim 27, Petite discloses the limitation of this claim in col 6, lines 20-23 and col 7, lines 5-17.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: with respect to claims 1,3-17,28-37,39-63 in the environment of a data collection system the closes reference Petite et al '692 fails to teach or suggest a data collection system comprising a collection device for receiving measurement data from a plurality of meters, the collection device comprising an HTTP server for hosting at least one web page displaying the received measurement data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Monday-Thursday, 8:30 a.m.-4:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examinee by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

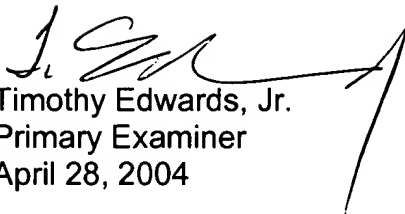
Or:

(for informal or draft communications, please label "PROPOSED"

or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


Timothy Edwards, Jr.
Primary Examiner
April 28, 2004